

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

IHANCE, INC., and
ANDREW J. KNOX,

Plaintiffs,

v.

ELOQUA LIMITED and
ELOQUA CORPORATION,

Defendants.

No. 2:11-CV-257-MSD-FBS

**DECLARATION OF TIMOTHY J. ROUSSEAU IN SUPPORT
OF ELOQUA’S MOTION FOR SANCTIONS, FEES AND JUST COSTS**

1. My name is Timothy J. Rousseau. I am an attorney at the law firm Goodwin Procter LLP and counsel of record for Defendants Eloqua Limited and Eloqua Corporation (collectively “Eloqua”) in the above-captioned action.

2. I submit this declaration in support of Eloqua’s Motion for Sanctions, Fees and Just Costs. The facts contained herein are based upon my personal knowledge and certain documents that I have reviewed and are true and correct to the best of my knowledge.

3. Exhibit 1 is a true and correct copy of pages from the transcript of the June 28, 2012 evidentiary hearing.


4. Exhibit 2 is a true and correct copy of pages of Eloqua’s July 15, 2011 First Set of Request for Production of Documents.

5. Exhibit 3 is a true and correct copy of pages of Eloqua’s July 15, 2011 First Set of Interrogatories.

6. Exhibit 4 is a true and correct copy of pages of iHance's August 19, 2011 Responses to Eloqua's First Set of Interrogatories.
7. Exhibit 5 is a true and correct copy of a November 22, 2011 letter from Timothy Rousseau to Thomas Fletcher.
8. Exhibit 6 is a true and correct copy of pages from the March 2, 2012 deposition transcript of Gerald T. Gray.
9. Exhibit 7 is a true and correct copy of pages from the December 1, 2011 deposition transcript of Anders Knox.
10. Exhibit 8 is a true and correct copy of the May 11, 2006 Fee Transmittal Form produced by Eloqua at ELQ0310970.
11. Exhibit 9 is a true and correct copy of the May 11, 2006 Fee Transmittal Form produced by Eloqua at ELQ0309987.
12. Exhibit 10 is a true and correct copy of the June 30, 2011 Rule 26(f) Discovery Order.
13. Exhibit 11 is a true and correct copy of the July 3, 2012 Memorandum Order.
14. Exhibit 12, filed under seal, is a true and correct copy of pages of the December 2, 2011 deposition transcript of Jonathan Hart.

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. This declaration is signed in a manner that, if falsely made, would subject me to criminal penalty under the laws of the United States.

Executed on July 6, 2012.


Timothy J. Rousseau

Dated: July 6, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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